

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD STEVEN MITUNIEWICZ

Plaintiff,

V.

HAROLD CLARK.

Defendants.

Case No. C06-5383RBL

ORDER ADOPTING THE REPORT AND RECOMMENDATION

The Court, having reviewed the file, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITH PREJUDICE** for failure to comply with the courts order and failure to state a claim.
- (3) Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold and to count this dismissal as a strike under the Prison Litigation Reform Act, 42 U.S.C. § 1915 (g).

DATED this 16th day of October, 2006.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

ORDER - 1